

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/475,880	ALTENDAHL ET AL.	
	Examiner Naresh Vig	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Amendment filed on 20 December 2004.
2.  The allowed claim(s) is/are 1 and 2.
3.  The drawings filed on 30 December 1999 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

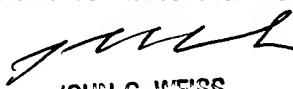
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a)  including changes required by the Notice of Draftperson's Patent Drawing Review ( PTO-948) attached
      - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
    - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____. | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material           | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|  | 9. <input type="checkbox"/> Other _____.   |

  
**JOHN G. WEISS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2900**

## **DETAILED ACTION**

### ***Drawings***

The drawings have been approved by the examiner.

## **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian Lemm (Registration Number 43,748) on April 29, 2005.

There are 2 claims. After the amendment, the amended claims will read as follows:

1. A planning engine executable on a computer for use in a planning system for planning the shipment of at least two items, the planning engine comprising:

an input module, responsive to a planning request for shipment of at least two items for which planning is to be performed, for providing a list including each shipment for which planning is to be performed;

load list template builder module, responsive to the list including each shipment for which planning is to be performed, for providing a direct load list template including each item in each shipment;

a consolidation module for determining possible consolidations of shipments and providing a consolidated load list template indicating possible consolidations of shipments;

a router module, responsive to the direct load list template and consolidation load list template, for determining possible routes for each shipment of the direct load list template and consolidation of shipments of the consolidated load list template and providing the determined possible routes to the direct load list template and consolidated load list template, the router module using business rules to determine each possible route and prioritizing the business rules in case of conflict;

a rater module for determining rates for each possible route for each shipment and consolidation of shipments and providing the determined rates for each possible route to the direct load list template and consolidated load list template;

a prorater module for determining an apportionment of costs of the determined rates for a consolidation of shipments among the items included in the consolidated shipments;

an analyzer module, responsive to the direct load list template, consolidated load list template, and prorater module, for selecting one of the direct load list template and consolidated load list template based on prorated costs for each shipment included in the consolidated shipments and providing a load list based on the selected one of the direct load list template and consolidated load list template indicating a carrier and service for each shipment of the load list template or consolidated load list template; and

an output module, responsive to the load list, for outputting the load list indicating a carrier and service for each shipment of the direct load list template or consolidated load list template.

2. A planning engine as in claim 1, wherein the planning engine is implemented as a component object module (COM) server.

***Allowable Subject Matter***

Claims 1 – 2 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding independent claim 1:

Nicholls teaches a planning engine for use in a planning system for planning the shipment of a parcel of at least one item, the planning including routing and rating the shipment, the planning system including a router for determining possible routes for the shipment, a rater for rating each possible route, a consolidator for attempting to consolidate a list of shipments [col. 7, lines 49 – 57]. Nicholls taken alone or in combination does not teach a consolidation module for determining possible consolidations of shipments and providing a consolidated load list template indicating possible consolidations of shipments; a router module for determining possible routes for each shipment and providing the determined possible routes t using business rules to determine each possible route and prioritizing the business rules in case of conflict; a prorater module for determining an apportionment of costs of the determined rates for a consolidation of shipments among the items included in the consolidated shipments;

Sansone teaches merging mail batches to achieve additional postage discounts [abstract] and allocate the costs and savings among the mailers supplying the batch mailings. Sansone taken alone or in combination does not teach a router module for determining possible routes for each shipment and providing the determined possible routes t using business rules to determine each possible route and prioritizing the business rules in case of conflict; a prorater module for determining an apportionment of costs of the determined rates for a consolidation of shipments among the items included in the consolidated shipments;

Roberts teaches Roberts teaches producing advance loading manifests therefrom to optimize load planning and dynamic product shipment and delivery control; system for transmitting bills of lading to a central facility so that billing and load planning may be accomplished while the freight is en route to a terminal, the equipment used to transmit the bill of lading from the driver to a terminal or central location. Roberts taken alone or in combination does not teach a router module for determining possible routes for each shipment and providing the determined possible routes t using business rules to determine each possible route and prioritizing the business rules in case of conflict; a prorater module for determining an apportionment of costs of the determined rates for a consolidation of shipments among the items included in the consolidated shipments;

Soga teaches managing freight information for performing freight transportation from a consignor to a consignee and a freight management system and more particularly, to a freight information management method and a freight management system. Soga taken alone or in combination does not teach a consolidation module for determining possible consolidations of shipments and providing a consolidated load list template indicating possible consolidations of shipments; a router module for determining possible routes for each shipment and providing the determined possible routes t using business rules to determine each possible route and prioritizing the business rules in case of conflict; a prorater module for determining an apportionment of

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costs of the determined rates for a consolidation of shipments among the items included in the consolidated shipments;

Thiel teaches the most beneficial carrier, among a number of available carriers, for shipping a particular item is determined by selecting desired carrier form a group of carriers, calculating the charges on the basis of current charge schedules for selected services, comparing the freight charges for cost optimization in the narrower automatic selection of the most beneficial carrier. Thiel taken alone or in combination does not teach a consolidation module for determining possible consolidations of shipments and providing a consolidated load list template indicating possible consolidations of shipments; a router module for determining possible routes for each shipment and providing the determined possible routes t using business rules to determine each possible route and prioritizing the business rules in case of conflict; a prorater module for determining an apportionment of costs of the determined rates for a consolidation of shipments among the items included in the consolidated shipments;

Schlagel teaches consolidating random variations in the product flow, selects a predetermined number and arrangement of product units and transports that number and arrangement to a subsequent packaging station for packaging, and final shipment. Schlagel taken alone or in combination does not teach a consolidation module for determining possible consolidations of shipments and providing a consolidated load list template indicating possible consolidations of shipments; a router module for

determining possible routes for each shipment and providing the determined possible routes t using business rules to determine each possible route and prioritizing the business rules in case of conflict; a prorater module for determining an apportionment of costs of the determined rates for a consolidation of shipments among the items included in the consolidated shipments;

Bagchi et al. document « Some Insights Into Inbound Freight Consolidation » teaches consolidation of shipment using real shipment data and real rates. Bagchi taken alone or in combination does not teach providing a consolidated load list template indicating possible consolidations of shipments; a router module for determining possible routes for each shipment and providing the determined possible routes t using business rules to determine each possible route and prioritizing the business rules in case of conflict; a prorater module for determining an apportionment of costs of the determined rates for a consolidation of shipments among the items included in the consolidated shipments;

Claim 2 is dependent claim, dependent on claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The following prior art is reviewed and considered

Nicholls et al. US Patent 5,631,827

Sansone et al. US Patent 5,015,914

Roberts et al. US Patent 6,401,078

Soga et al. 6,304,856

Thiel US Patent 6,035,291

Schlagel et al. European Patent Application No. EP 000765813 A2

"Some Insight Into Inbound Freight Consolidation", an article by Bagchi and Davis.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Naresh Vig  
Examiner  
Art Unit 3629

May 2, 2005



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